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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/143,279	08/28/1998	TIMOTHY E. GILL		3330

23217 7590 10/22/2002

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EXAMINER
ALAVI, AMIR

ART UNIT	PAPER NUMBER
2621	19

DATE MAILED: 10/22/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/143,279	Applicant(s) GILL ET AL.	
	Examiner Amir Alavi	Art Unit 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *05 August 2002* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-19* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-19* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

Response to Arguments

- Applicant's amendment filed August 5, 2002, has been entered and made of record.
- Applicant's arguments filed August 5, 2002 have been fully considered but they are not persuasive.
- Applicant argues in essence that the cited prior art do not disclose or suggest selecting a component from a first color model and a component from a different color model, assigning percentages to each of the selected color components from the first color model and from the second color model to create a user-defined color that represents the combination of the first color model component and the second color model component.
- Examiner indicates that neither the new independent claim 19, nor the other independent claim 7, recite the above limitations.

Claim Rejections - 35 USC § 112

- The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

- Claims 1-19 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. In this regard, one of ordinary skill in the art would consider the RGB color space, which the applicant refers to as spot color, to be a device dependent color space, computer monitors utilize RGB color space, by the same token, the CMYK color space, which applicant refers to it as process color, is considered to also be a device dependent color space, printers operate on CMYK color space. In this regard, it's not clear how is it possible to select one component, for example, say cyan from the CMYK color space and add it to the RGB of a monitor and furthermore, why would one even want to manipulate a favorable RGB color space of a monitor by adding cyan?.

Claim Rejections - 35 USC § 102

- The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

  A person shall be entitled to a patent unless –

  (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

- Claims 7-12 and 19 are rejected under 35 U.S.C. 102(e) as being anticipated by Gass, Jr. et al. (US 5,822,503).

Regarding claim 7, Gass, Jr. et al. disclose: means for defining the document process color; means for defining each of at least one spot colors to be applied onto the document process color; means for applying shade values to each of said document process color and means for applying shade values to each of said at least one spot colors (Please note, fig.8, in correlation to column 9, lines 55-58, "If either of the RGB or HLS color models is selected, then the percentages 192 are listed in terms of red, green, blue, or hue, luminance, saturation, respectively. The dialog box can be used to modify colors in an EPS file in accordance with the invention". According to figure 8, the percentages (shade values) applied to different color components of

different color models can be varied); means for defining a new color based on the shade values applied for each of said document process color and for each of said at least one spot color and means for applying said defined new color to a document depicted visually on a computer monitor screen. (Please note, fig.6).

Regarding claim 8, Gass, Jr. et al. teaches, wherein , said means for defining the document process color includes means for defining the process color components of the document process color; and said means for applying shade values to each of said document process color and to each of said at least one spot color includes; means for applying a shade value to each of the process color components of the document process color. (Please note, fig.8, as shown in this figure, spot colors and process colors are defined and each component accordingly could have different shade (percent) value).

Regarding claim 9, Gass, Jr. et al. teaches, wherein, said means for defining each of at least one spot color to be applied onto the document process color includes: means for defining the spot color model components of each of the at least one spot color to be applied onto the document process color; and said means for applying shade values to each of said document process color and to each of said at least one spot color further includes : means for applying a shade value to each of the components of each of the at least one spot color to be applied onto the document process color. (Please note, fig.8, according to this figure, different s of colors, i.e., spot

colors are defined and a shade (percent) value can be applied to each component of different color models).

Regarding claim10 Gass, Jr. et al., teaches, wherein, said means for defining the document process color includes: means for defining the process color components of the document process color; said means for defining each of at least one spot color to be applied onto the document process color includes: means for defining the spot color model components of each of the at least one spot color to be applied onto the document process color and said means for applying shade values to each of said document process color and to each of said at least one spot color further includes: means for applying a shade value to each of the process color components of the document process color and to each of the spot color components of each of the at least one spot color to be applied onto the document process color. (Please note, fig.8, in correlation to column 9, lines 55-58, "If either of the RGB or HLS color models is selected, then the percentages 192 are listed in terms of red, green, blue, or hue, luminance, saturation, respectively. The dialog box can be used to modify colors in an EPS file in accordance with the invention". According to figure 8, the percentages applied to different color components of different color models and types can be varied).

Regarding claim 11 Gass, Jr. et al., teaches, wherein, means for layering on each of said at least one spot color onto said document process color sequentially in an iterative process. (Please note, column 9, lines 57-60, "The dialog box can be used to modify colors in an EPS file in accordance with the invention. A user

simply highlights the color of interest in the color palette, opens the dialog box182, and makes desired changes to the named color").

Regarding claim 12, Gass, Jr. et al. teaches, wherein, means for converting the defined new color obtained from said means for defining a new color into a spot color model for display onto a computer monitor screen. (Please note, figs. 2 and 6).

Regarding claim 19, Gass, Jr. et al. disclose: means for selecting at least one color component from a first color model; means for selecting at least one additional color component from at least one other color model and means for assigning percentages to each of said selected color components from said first color model and from said at least one other color model to create a user-defined color. (Please note, fig.8, in correlation to column 9, lines 55-58, "If either of the RGB or HLS color models is selected, then the percentages 192 are listed in terms of red, green, blue, or hue, luminance, saturation, respectively. The dialog box can be used to modify colors in an EPS file in accordance with the invention". According to figure 8, the percentages applied to different color components of different color models can be varied).

Contact Information

- Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Amir Alavi whose telephone number is (703) 306-5913.
- The Examiner can normally be reached on Monday through Thursday from 8:00 a.m. to 6:30 p.m. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Leo Boudreau, can be reached at (703) 305-4706.

Any response to this action should be mailed to:

Assistant Commissioner for Patents
Washington, D.C. 20231

Or faxed to:

(703) 872-9314, ("draft" or "informal" communications should be clearly labeled to expedite delivery to Examiner)

Hand delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application should be directed to the T.C. Customer Service Office whose telephone number is (703) 306-0377.

AA
October 07, 2002

LEO BOUDREAU
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